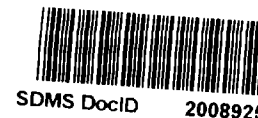




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



ORIGINAL
(Red)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 25 2003

R. Thomas McLaughlin, Esq.
Kelly, McLaughlin & Foster, LLP
620 West Germantown Pike, Suite 350
Plymouth Meeting, PA 19462

**RE: Follow-up 104(e) Request - Henkels & McCoy, Inc.
Lower Darby Creek Area Superfund Site
Delaware and Philadelphia Counties, Pennsylvania**

Dear Mr. McLaughlin:

The U.S. Environmental Protection Agency ("EPA") has received and reviewed the response of Henkels & McCoy, Inc. ("Henkels") to its October 4, 2001 Information Request. Based on that response and information obtained by EPA as part of its investigation, EPA is seeking additional information concerning the waste disposal activities of Henkels in Philadelphia between 1958 and 1976.

EPA has reviewed your previous information request response dated November 30, 2001 and has determined that additional information and clarification is needed in order to complete its investigation. EPA hereby requests that Henkels respond completely and timely to the information requested in Enclosure F to this letter.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), Henkels is required to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its employees or agents which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33), 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above referenced facility.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.



*Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474*

You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter. The response must be signed by an authorized official of Henkels. If, for any reason, you do not provide all information responsive to this letter, in your answer to EPA you must: (1) describe specifically what was not provided, (2) supply to EPA a clear identification of the document(s) not provided, and (3) provide to EPA an appropriate reason why the document(s) was not provided.

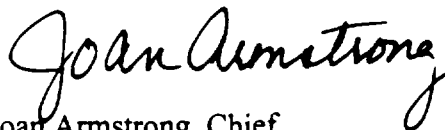
All documents and information should be sent to:

Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any question concerning this matter, please contact Carlyn Winter Prisk at (215) 814-2625 or you may have your attorney contact Brian Nishitani, Senior Assistant Regional Counsel, at (215) 814-2675.

Sincerely,



Joan Armstrong, Chief
PRP Investigation and
Site Information Section

Enclosures: Enclosure A: Lower Darby Creek Area Site Map
 Enclosure B: List of Contractors that May Review Your Response
 Enclosure C: Business Confidentiality Claims/Disclosure of Your Response to
 EPA Contractors and Grantees
 Enclosure D: Definitions
 Enclosure E: Instructions
 Enclosure F: Information Requested

cc: Brian Nishitani, Esq. (3RC44)
 Carlyn Prisk (3HS11)
 April Flipse (PADEP)
 Craig Olewiler (PADEP)

Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

5359

4401

1000

0411

1000

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Sent To

Street, Apt. No.;
or PO Box No.

City, State, ZIP+ 4



ORIGINAL
(Red)

Enclosure B [rev. 11/2003]

List of Contractors That May Review Your Response

- Daston Corporation -
Contract #68-S3-01-01
Subcontractor to Daston Corporation is:
Dynamac Corporation
Tri State Enterprise Incorporated
- Tetra Tech EM, Inc. -
Contract #68-S3-0002
Subcontractor to Tetra Tech EM, Inc. is:
Eagle Instruments, Inc.
- Ecology and Environment, Inc. -
Contract #68-S3-0001
Subcontractor to Ecology and
Environment, Inc. is:
S & S Engineers, Inc.
- IT Corporation - Contract #68-S3-00-06
Subcontracts to IT Corporation are:
Weavertown Environmental Group
Environmental Restoration Company
- Earth Tech, Inc. - Contract #68-S3-00-07
Subcontractors to Earth Tech, Inc. are:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
- Tetra Tech NUS Inc. -
Contract #68-S6-3003
Subcontractors to Tetra Tech NUS Inc.
are:
Gannett Fleming, Inc.
Dynamic Corporation
C. C. Johnson & Malhotra, P.C.
- CDM-Federal Programs Corporation -
Contract #68-S7-3003
Subcontractors to CDM-Federal
Programs Corporation are:
Tetra Tech EM, Inc.
Robert Kimball & Associates
PMA & Associates
Horne Engineering
Pacific Environmental Services
- Black and Veatch Waste Science and
Technology Corporation/Tetra Tech,
Inc. - Contract #68-S7-3002
Subcontractor:
Enviro Consultants Group
- Universe Technologies -
Contract #68-S3-99-02
- Tech Law, Inc. -
Contract #68-W-00-108
- WRS Infrastructure & Environment,
Inc. - Contract # 68-S3-03-02
- Kemron Environmental Services
Contract # 68-S3-03-05
- Industrial Marine Services, Inc.
Contract # 68-S3-03-03
- Guardian Environmental Services, Inc.
68-S3-03-04
- List of Inter-Agency Agreements
General Services Administration
CERCLA File Room
Contractor: Booz-Allen & Hamilton
- General Services Administration
Spectron Superfund Site
Contractor: Booz-Allen & Hamilton
- General Services Administration
Breslube Penn Superfund Site
Contractor: Booz-Allen & Hamilton
- List of Cooperative Agreements
National Association of Hispanic
Elderly - #CQ-822511
- AARP Foundation (Senior
Environmental Employment) -
#824021
#823952

Enclosure C

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (see Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for agency personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to CERCLA, 42 U.S.C. § 9604(e)(7) and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in the attachment, you must notify EPA in writing at the time you submit such documents.

Enclosure D

Definitions

- The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release

into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure E

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure C, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

Information Requested

1. In Henkels' 104(e) submission dated November 30, 2001, it attached as Exhibit "B" copies of company phone directories for former employees from 1967 through 1978. Please indicate as to each of the employees identified in Exhibit "B" which individuals were actually contacted regarding the Site.
 - a. For each employee identified as being contacted, please indicate whether or not each was interviewed and provide statements of such interviews where available; and,
 - b. Please provide the current address and/or last known address of each of the former employees you have contacted to date as identified in Exhibit "B."
2. In its response, Henkels indicated that its investigation was continuing and any supplemental information would be provided in regards to interviews and contacts of persons who have personal knowledge of Henkels' operations and waste disposal practices between 1950 and 1976. Please provide all names, addresses, and telephone numbers of all individuals who have been contacted since Henkels' last submission of November 30, 2001. Provide all written interview statements that have been obtained to date.
3. In its response regarding the Site, Henkels identified a list of current and former employees who had been contacted, including, but not limited to George Davis, William Cash, James Helsel, Irwin Maker, Richard Kustin, James Lafferty, Sr., Todd Stong, Joseph Barnett, Paul Henkels, William Seigrist, and Barnard Hagan.
 - a. For each of the above identified individuals, please provide a copy of the interview statement and/or a summary of his knowledge as it pertains to any of Henkels' operations and waste disposal processes between 1958 and 1976 at its facilities in the Philadelphia, Pennsylvania area;
 - b. For each of the above identified individuals, please provide a current address and/or last known address where each individual could be contacted; and,
 - c. Please provide and identify all additional information that each of the above witnesses was able to provide to your company with regards to Site, since Henkels last response of November 30, 2001.
4. In its 104(e) response Henkels indicated that no documents existed regarding the handling and/or generation storage treatment, transportation, recycling, formulation or disposal of any hazardous substances, hazardous wastes, pollutant, contaminant or other waste between 1958 and 1976. Henkels indicated that this response was based upon information from the knowledge and recollections of current and/or former employees of Henkels &

ORIGINAL
(Red)

McCoy, Inc. Please indicate the names and addresses of those individuals, identify the information which was provided by those individuals upon which Henkels based its information for this response, and provide written statements regarding such individuals' recollections, where available.

5. Your company identified several hazardous substances including but not limited to gasoline, diesel fuel, antifreeze, acetylene gas, oxygen gas, welding rods, propane, hydraulic oil, motor oil, windshield washer fluid, cutting oil, lubricants, adhesives, spray paint, asphalt, pavement sealer and concrete mix.
 - a. Please attach and indicate the location of all documentation used to provide this response in order to identify the above hazardous waste by your Company;
 - b. Provide the name, address, telephone number and job title of each current or former employee of Henkels & McCoy, who provided knowledge and/or recollections to your company to compile the list of hazardous substances which were generated, purchased or otherwise handled by your establishment between 1958 and 1976; and,
6. In your 104(e) response, you indicated that several current and/or former employees of Henkels & McCoy recall the name of Marvin Jonas but do not recall the connection, if any, there was with the name/entity and Henkels & McCoy in Philadelphia between 1958 and 1976. For each such current and/or former employee of Henkels & McCoy identified in your response, please list the name, address, job title and telephone number of each current and/or former employee and attach the written statement summarizing his or her interview and/or knowledge or recollection upon which your response was based.
7. Please provide any and all information in your possession regarding the Court of Common Pleas for Philadelphia County, Pennsylvania action entitled Small v. Korman Corp., et al.
8. Regarding the representatives of Henkels, please:
 - a. Identify the person answering these questions on behalf of Henkels and McCoy, Inc., including full name, mailing address, business telephone number and relationship to Henkels and McCoy, Inc.; and,
 - b. Provide the name, title, current address and telephone number of the individual representing Henkels and McCoy, Inc. to whom future correspondence or telephone calls should be directed.
9. If any of the documents solicited in this request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
 - a. Henkels' document retention policy;

ORIGINAL
(Red)

- b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
- c. A description of the type of information that would have been contained in the documents; and,
- d. The name, job title and most current address known to you of the persons who would have produced these documents; the persons who would have been responsible for the retention of these documents; and the person who would have been responsible for the destruction of these documents.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

ORIGINAL
(Red)

OCf U 4 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Henkels & McCoy
985 Jolly Rd.
Blue Bell, PA 19422

Attention: Paul Henkels, CHB

Re: Required Submission of Information
Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill, and
Folcroft Landfill Annex

Dear Mr. Henkels:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview"), Folcroft Landfill ("Folcroft"), and Folcroft Landfill Annex ("Folcroft Annex") portions of the Lower Darby Creek Area Superfund site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site").

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A). The Site also includes contaminated portions of areas along Darby Creek downstream as well as a portion of a 3500-acre tidal marsh.

EPA has reason to believe that wastes generated at locations owned or operated by Henkels & McCoy, may have been transported to and disposed of at the Site, specifically at Clearview, Folcroft, and Folcroft Annex. Clearview is located on the east side of Darby Creek; Folcroft and Folcroft Annex are located on the west side of the creek.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require Henkels & McCoy (hereinafter "you"), to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined

Customer Service Hotline: 1-800-438-2474

ORIGINAL
(Red)

ORIGINAL
(Red)

by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **fifteen (15) calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

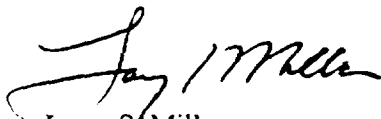
All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,



Larry S. Miller
Chief, PRP Investigation and
Site Information Section

ORIGINAL
(Red)

Enclosures: Enclosure A: Lower Darby Creek Area Site Map
 Enclosure B: Business Confidentiality Claims/Disclosure of Your Response to
 EPA Contractors and Grantees
 Enclosure C: List of Contractors that May Review Your Response
 Enclosure D: Definitions
 Enclosure E: Instructions
 Enclosure F: Questions

cc: Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel
 Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager
 Mr. Craig Olewiler Pennsylvania Department of Environmental Protection
 Ms. April Flipse Pennsylvania Department of Environmental Protection

Enclosure A

Lower Darby Creek Area Site Map

Customer Service Hotline: 1-800-438-2474

Enclosure A



Enclosure B

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.

Enclosure C

List of Contractors that May Review Your Response

- Daston Corporation -
Contract #68-S3-01-01
Subcontractor to Daston Corporation is:
Dynamac Corporation
 - Tetra Tech EM, Inc. -
Contract #68-S3-0002
Subcontractor to Tetra Tech EM, Inc. is
Eagle Instruments, Inc.
 - Ecology and Environment, Inc. -
Contract #68-S3-001
Subcontractor to Ecology and
Environment, Inc. is:
S & S Engineers, Inc.
 - Resource Applications, Inc. -
Contract #68-S3-003
Subcontracts to Resource Applications,
Inc. are:
C.C. Johnson & Malhotra, Inc.
Scientific & Environment Associates,
Inc.
Environmental Quality Management,
Inc.
 - IT Corporation - Contract #68-S#-00-06
Subcontracts to IT Corporation are:
Weavertown Environmental Group
Environmental Restoration Company
 - Earth Tech, Inc. - Contract #68-S3-00-07
Subcontractors to Earth Tech, Inc. are:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
 - Guardian Environmental Services, Inc.
Contract #68-S3-99-04
 - ECG Industries, Inc. -
Contract #68-S3-99-05
Subcontractor to ECG Industries, Inc. is:
Earth Tech, Inc.
 - Industrial Marine Services, Inc. -
Contract #68-S3-99-06
Subcontractors to Industrial Marine
Services, Inc. are:
Earth Tech, Inc.
Engineering and Environment, Inc.
 - Tetra Tech NUS, Inc. -
Contract #68-S6-3003
Subcontractors to Tetra Tech NUS, Inc.
are:
Gannett Flemming, Inc.
Dynamac Corporation
C.C. Johnson & Malhotra, P.C.
 - CDM-Federal Programs Corporation -
Contract #68-S7-3003
Subcontractors to CDM-Federal
Programs Corporation are:
Tetra Tech EM, Inc.
Robert Kimball & Associates
PMA & Associates
Home Engineering
Pacific Environmental Services
 - Black and Veatch Waste Science and
Technology Corporation/Tetra Tech, Inc.
Contract #68-S7-3002
 - Universe Technologies -
Contract #68-S3-99-02
 - Tech Law, Inc. - Contract #68-W-00-108
Subcontractor to Tech Law, Inc. is:
Gannett Flemming, Inc.
- List of Cooperative Agreements**
- National Association of Hispanic Elderly
- #CQ-822511
 - AARP Foundation (Senior
Environmental Employment)
- #824021, #823952

Enclosure D

Definitions

- The term "**arrangement**" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "**documents**" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "**hazardous substance**" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure E

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

QUESTIONS

1. State the name of your company, its mailing address, and telephone number. Further identify:
 - a. The dates and states of incorporation of your company;
 - b. The date and original state of incorporation of your company; and
 - c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.
2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.
3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.
4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide:
 - a. The dates of their operation;
 - b. The nature of their operation; and
 - c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).
5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
 - b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and
 - c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.
6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:
 - a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
 - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
 - c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;
 - d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
 - e. The types and sizes of containers in which these substances were transported and stored; and
 - f. The persons or companies that supplied each such hazardous substance to your company.
7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:
 - a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
 - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;

- c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;
 - d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
 - e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
 - f. The location and method of treatment and/or disposal of each such by-product or waste.
8. Did your company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckly Trash Hauling, Barratt Rupurt, McCloskey Engineering, ABM Disposal Services, Marvin Jonas, Jonas Waste Removal, Paolino Company, Schiavo Bros., Inc. and/or any other company or municipality to remove or transport material from your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:
- a. The person with whom you made such a contract or arrangement;
 - b. The date(s) on which or time period during which such material was removed or transported for disposal;
 - c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - d. The annual quantity (number of loads, gallons, drums) of such material;
 - e. The manner in which such material was containerized for shipment or disposal;
 - f. The location to which such material was transported for disposal;
 - g. The person(s) who selected the location to which such material was transported for disposal;
 - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and
 - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.
9. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:

- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
 - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
 - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.
10. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
- a. The date(s) on which such material was disposed of or treated at the Site;
 - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - c. The annual quantity (number of loads, gallons, drums) of such material;
 - d. The specific location on the Site where such material was disposed of or treated; and
 - e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.
11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. The date(s) the spill(s)/release(s) occurred;
 - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
 - c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
 - d. The packaging, transportation, and final disposition of the materials which were spilled/released.

12. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.
13. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.
14. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.
15. Representative of your establishment(s):
 - a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.
 - b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.
16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
 - a. Your document retention policy;
 - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents; and
 - d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

Customer Service Hotline: 1-800-438-2474

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0025 2485 0206

Postage
Certified Fee
Return Receipt Fee
(Endorsement Required)
Restricted Delivery Fee
(Endorsement Required)
Total Postage & Fees \$

Henkels & McCoy
985 Jolly Rd.
Blue Bell, PA 19422

Cancel

Postmark
Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)

Street, Apt. No., or PO Box No.

City, State, ZIP+4

PS Form 3800, February 2000

See Reverse for Instructions

KELLY, McLAUGHLIN & FOSTER, LLP

ATTORNEYS AT LAW
SUITE 350

620 W. GERMANTOWN PIKE
PLYMOUTH MEETING, PENNSYLVANIA 19462-1056

TELEPHONE (610) 941-7900
FAX (610) 941-8133

1617 JFK BOULEVARD
SUITE 1690
PHILADELPHIA, PA 19103-1815
TELEPHONE: (215) 790-7900
FAX: (215) 985-0675

R. THOMAS McLAUGHLIN
610 941-7925
RTMcLAUGHLIN@LINKMFP.COM

ADMITTED IN PA

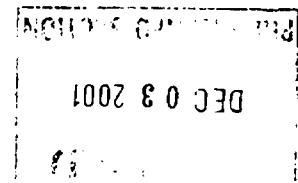
SUITE 332
900 HADDON AVENUE
COLLINGSWOOD, NJ 08108-1908
TELEPHONE: (856) 869-3100
FAX: (856) 854-4233

OUR FILE: HMEN-17460

November 30, 2001

Ms. Carlyn Winter Prisk (3HS11)
USEPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Via UPS Overnight



**Re: Required Submission of Information - Henkels & McCoy, Inc.
Clearview Landfill, Folcroft Landfill, and Folcroft Landfill
Annex - Lower Darby Creek Area Superfund Site**

Dear Ms. Prisk:

This letter and the attachment and exhibits are submitted in response to the letter of Larry S. Miller dated October 4, 2001 in connection with the above-referenced site information request of the EPA. The attached responses and exhibits are related to the Clearview Landfill, Folcroft Landfill and Folcroft Landfill Annex for the referenced time frame and all questions have been answered on behalf of Henkels & McCoy, Inc. based upon available information and as the result of a good faith and diligent investigation and search of records on the part of Henkels & McCoy, Inc.

In providing a response to this Request for Information, Henkels & McCoy, Inc. has not and shall not be deemed to have admitted any liability or responsibility with respect to the Site, the subject matter of the Request for Information, or any other matter. On the contrary, Henkels & McCoy, Inc. has no information, whatsoever, that would indicate that Henkels & McCoy, Inc. ever sent or arranged for the transport of hazardous substances or hazardous wastes to the Clearview Landfill, Folcroft Landfill or Folcroft Landfill Annex. If EPA has any information which indicates that Henkels & McCoy, Inc. ever sent or arranged for the transport or disposal of hazardous materials or hazardous wastes to/at the Site, it is respectfully requested that all such information be provided to the undersigned so that Henkels & McCoy, Inc. may conduct a further investigation and supplement these responses should additional or different information be developed in the future. Also, we specifically request that you provide us with all documents and/or other tangible things which indicate or demonstrate that Henkels & McCoy, Inc. is a potentially responsible party as related to the Site.

November 30, 2001
Page 2

Please contact the undersigned should you have any questions or should you need any additional information with regard to this matter. Otherwise, we thank you, again, for your prior courtesy in granting Henkels & McCoy, Inc. the extensions of time in which to respond to the Request for Information.

Very truly yours,

KELLY, McLAUGHLIN & FOSTER, LLP


R. Thomas McLaughlin

RTM/lba

cc: Brian Nishitani, Esquire

**RESPONSE OF HENKELS & MCCOY, INC. TO
EPA'S REQUEST FOR INFORMATION**

Enclosure F

QUESTIONS

1. State the name of your company, its mailing address, and telephone number. Further identify:

**Henkels & McCoy, Inc.
985 Jolly Road
Blue Bell, PA 19422
215-283-7600**

- a. The dates and states of incorporation of your company;

September 26, 1958 Pennsylvania (see attached Exhibit "A").

- b. The date and original state of incorporation of your company; and

September 26, 1958 Pennsylvania (see attached Exhibit "A").

- c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.

Henkels & McCoy, Inc. is the parent company. Subsidiaries include H&M-JBH, Inc (financial services), H&M-AMH, Inc. (financial services), Compania PMH, SA (construction support services), H&M Global One, Inc. (financial services), H&M Global Two, Inc. (financial services), Henkels de Mexico S. de R.L. de C.V. (construction), Henkels & McCoy, Inc. de Brasil Services LTDA (construction), The Mako Construction Company (construction), Henkels & McCoy Engineering Co. (engineering), Henkels & McCoy International, Ltd. (construction), Henkels & McCoy Mexico, Inc. (construction), and Henkels & McCoy Guatemala, Inc. (construction).

2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.

Currently, Henkels & McCoy, Inc. provides construction, installation, maintenance, and engineering services for communications, power, gas and data cabling industries. In addition, there is a training services group and an industrial construction group. Industrial construction provides millwrighting, rigging, general construction, pipe fabrication, process piping and excavation services.

Customer Service Hotline: 1-800-438-2474

From 1958 to 1976, the same as above except not on a large scale and with the addition of landscaping and tree trimming services. Landscaping encompassed the planting of trees, shrubs, etc. Tree trimming consisted of trimming along power lines. Landscaping services were provided until approximately 1968 and tree trimming services were provided until approximately 1974.

3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.

See attached Exhibit "B" which are copies of company phone directories for 1967 through 1978. Current or former employees contacted to date include the following:

George Davis	1967-present	Facilities Manager	215-283-7636
William Cash	1971-present	Supervisor	215-283-7401
James Helsel	1969-present	QA/QC Manager	215-283-7862
Irwin Maker	1946-1985	Retired Division Manager	[REDACTED]
Richard Kustin	1950-1990	Retired Purchasing	[REDACTED]
James Lafferty Sr.	1950-2001	Retired Equipment Dept	[REDACTED]
Todd Stong	1969-present	Safety Manager	215-283-7732
Joseph Barnett	1964-present	Dir. Performance Dept	215-283-7655
Paul Henkels	1947-present	Chairman	215-283-7901
William Siegrist	1965-present	Supervisor	[REDACTED]
Bernard Hagan	1954-1998	COO, Frmr Div Mgr	[REDACTED]

Investigation is continuing and any supplemental information will be provided.

4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide:

Privately owned corporation with numerous shareholders and major shareholders being Paul M. Henkels and John B. Henkels.

- a. The dates of their operation;
- b. The nature of their operation; and

1967 - Directors

John B. Henkels Jr. - Chairman of the Board
 Andrew L. Lewis - President
 Paul M. Henkels - Executive Vice President
 John B. Henkels III - Vice President

Robert E. Bricker – Vice President Operations
Joseph B. Dugan – Vice President, Maryland Division
Andrew L. Lewis Jr.
Louis J. McCloskey – Secretary

1969 – Directors

John B. Henkels Jr. – Chairman of the Board
Andrew L. Lewis – President
Paul M. Henkels – Executive Vice President
John B. Henkels III – Vice President
Louis L. McCloskey – Secretary
Joseph B. Dugan – Vice President
Robert E. Bricker – Vice President Operations
Richard L. Gable – Vice President
Irwin W. Maker – Vice President
Andre L. Lewis Jr.

1972 – Directors

John B. Henkels – Chairman of the Board
Andrew L. Lewis – Chairman of the Executive Committee
Paul M. Henkels - President
Robert E. Bricker – Executive Vice President - East
John B. Henkels III – Executive Vice President - West
Edward J. Tierney – Secretary-Treasurer
Joseph B. Dugan – Vice President
Richard L. Gable – Vice President
Irwin W. Maker – Vice President
Andrew L. Lewis Jr.

1973 – Directors

John B. Henkels Jr. – Chairman of the Board
Paul M. Henkels - President
Robert E. Bricker – Executive Vice President - East
John B. Henkels III – Executive Vice President - West
Edward J. Tierney – Secretary-Treasurer
Joseph B. Dugan – Vice President
Richard L. Gable – Vice President
Irwin W. Maker – Vice President
Andrew L. Lewis Jr.

1978 – Directors

Paul M. Henkels – President
Robert E. Bricker – Executive Vice President – East
John B. Henkels III – Executive Vice President – West
Edward J. Tierney – Secretary-Treasurer
Joseph B. Dugan – Vice President
Irwin W. Maker – Vice President

Customer Service Hotline: 1-800-438-2474

Charles H. Feters – Vice President
Kenneth W. Beamer – Vice President
Martin F. Helmus – Vice President
Regis W. Kubit – Vice President
John W. Redhouse Jr. – Vice President
James A. Hall – Vice President
Richard H. Kustin – Assistant Secretary
Charles Erisman – Assistant Treasurer
Andrew L. Lewis Jr. - Director

2001 - Directors

Paul M. Henkels – Chairman
Kenneth L. Rose - President, Chief Executive Officer
T. Roderick Henkels - Executive Vice President, Chief Operating Officer
John W. Redhouse, Jr. - Vice President
Jonathan C. Schoff - Vice President
William H. Boell - Vice President
James M. Dillahunty - Vice President
J. Daniel Pigott, Jr. - Vice President
Gary L. Smith - Vice President
Robert I. Johnston - Vice President
Christine Ann Crawford - Vice President, General Counsel, Secretary
James A. Duffy - Vice President
Denis J. Palermo - Vice President
Edward W. Campbell - Vice President
John Donmoyer, Jr. - Vice President
Joseph C. Barnett, Jr. - Assistant Secretary
Dorothy J. Clark - Assistant Secretary
Robert M. Severi - Treasurer
Joseph C. Paulits - Assistant Treasurer
Lawrence A. Marino - Assistant Treasurer

- c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).

There is no information or documents presently available to Henkels & McCoy, Inc. which indicate that Henkels & McCoy, Inc. was involved with the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period of 1958 through 1976 other than as noted in the Answers below.

5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

Based upon information presently available to Henkels & McCoy, Inc. consisting of the knowledge and/or recollections of current and/or former employees of Henkels & McCoy, Inc., no such documents exist since Henkels & McCoy, Inc. did not generate, store, treat, transport, recycle, formulate, or dispose of any hazardous substance, hazardous waste, pollutant, or contaminant between 1958 and 1976 other than as noted in the answers below. Henkels & McCoy, Inc. would have disposed of construction debris (concrete, asphalt, dirt, stone, broken pipe) during the period of 1958 through 1976.

- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;

See above answer.

- b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and

None since permits or permit applications were not required to transport construction debris and construction materials.

- c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.

Henkels & McCoy, Inc. would/could have hired several haulers to transport construction debris from jobsites. There is no information or records presently available to Henkels & McCoy, Inc. so as to identify the haulers that were used to transport construction debris and construction materials during the period of 1958 through 1976.

6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:

Based upon information presently available to Henkels & McCoy, Inc. consisting of the knowledge and/or recollections of current and/or former employees of Henkels & McCoy, Inc. and various current documentation, the identity of materials potentially responsive to this Request would include the following:

Gasoline - liquid
Diesel fuel - liquid
Antifreeze - liquid
Acetylene gas (welding) - gas
Oxygen gas (welding) - gas
Welding rods - solid
Propane - gas
Hydraulic oil - liquid
Motor oil - liquid
Windshield washer fluid - liquid
Cutting oil - liquid
Other lubricants - liquid
Adhesives - liquid
Spray paint - liquid
Asphalt - solid
Pavement sealer - liquid
Concrete mix - solid

- a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;

Henkels & McCoy, Inc. would have utilized gasoline and diesel in its power equipment. These materials would have been stored in tanks on board equipment that was supplied by the equipment manufacturer. These items would have been purchased from a retail outlet. Motor oil, hydraulic oil, antifreeze and windshield washer fluid would also have been used in fleet vehicles and equipment.

The other items referenced above are tools/materials of the trade and would have been used in the process of construction activities. These items would have been used in a manner that there would be no waste generation due to the nature of their use.

All items would have been purchased from suppliers or retail outlets. Storage would have been in the original packaging. Oils may have been purchased in drums.

- b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;

See above answer. Also, there are no Material Safety Data Sheets presently available with regard to these materials for the period of 1958 through 1976.

- c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;

There is no information or documents presently available to Henkels & McCoy, Inc. which would enable Henkels & McCoy, Inc. to respond to this Request.

- d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;

These materials would have been used by Henkels & McCoy, Inc. from the time of inception of Henkels & McCoy, Inc. to the present.

- e. The types and sizes of containers in which these substances were transported and stored; and

There is no information or documents presently available to Henkels & McCoy, Inc. which would enable Henkels & McCoy, Inc. to respond to this Request. Based upon the knowledge and/or recollections of current and/or former employees of Henkels & McCoy, Inc., these materials would have been in the manufacturer's original packaging with the exception of motor fuels and some oils.

- f. The persons or companies that supplied each such hazardous substance to your company.

There is no information or documents presently available to Henkels & McCoy, Inc. which would enable Henkels & McCoy, Inc. to respond to this Request.

7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:

Based upon information presently available to Henkels & McCoy, Inc. consisting of the knowledge and/or recollections of current and/or former employees of Henkels & McCoy, Inc., wastes generated by Henkels & McCoy, Inc. in the Philadelphia, Pennsylvania area between 1958 and 1976 would have included construction debris, waste oil, and municipal waste.

- a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;

See Answers to Request #6, above.

- b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;

Construction debris - solid

Waste Oil - liquid

Municipal Waste - solid

Also, see Answers to Request #6, above.

- c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;

There is no information or documents presently available to Henkels & McCoy, Inc. which would enable Henkels & McCoy, Inc. to respond to this Request.

- d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;

There is no information or documents presently available to Henkels & McCoy, Inc. which would enable Henkels & McCoy, Inc. to respond to this Request.

- e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and

There is no information or documents presently available to Henkels & McCoy, Inc. which would enable Henkels & McCoy, Inc. to respond to this Request.

- f. The location and method of treatment and/or disposal of each such by-product or waste.

Based upon information presently available to Henkels & McCoy, Inc. consisting of the knowledge and/or recollections of current and/or former employees of Henkels & McCoy, Inc., construction debris would have been taken from the construction site to a landfill or reused if possible. Municipal solid waste would have been taken to a landfill. Waste oil would have been stored in either 55 gallon drums or in an underground storage tank and eventually removed for recycling/reformulation by or on behalf of an appropriate waste hauler.

8. Did your company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckley Trash Hauling, Barratt Rupurt, McCloskey Engineering, ABM Disposal Services, Marvin Jonas, Jonas Waste Removal, Paolino Company, Schiavo Bros., Inc. and/or any other company or municipality to remove or transport material from your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:

There is no information or documents presently available to Henkels & McCoy, Inc. which would enable Henkels & McCoy, Inc. to respond to this Request. Several current and/or former employees of Henkels & McCoy, Inc. recall the name of Marvin Jonas but do not recall what connection, if any, there was with said name/entity and Henkels & McCoy, Inc. in the Philadelphia, Pennsylvania area between 1958 and 1976.

- a. The person with whom you made such a contract or arrangement;

See above answer.

- b. The date(s) on which or time period during which such material was removed or transported for disposal;

See above answer.

- c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);

See above answer.

- d. The annual quantity (number of loads, gallons, drums) of such material;

See above answer.

- e. The manner in which such material was containerized for shipment or disposal;

See above answer. Any such materials would have consisted of construction debris that would have been placed in a dump truck for transportation and any municipal solid waste would have been picked up by a trash hauler using a trash truck.

- f. The location to which such material was transported for disposal;

See above answer.

- g. The person(s) who selected the location to which such material was transported for disposal;

See above answer.

- h. The individuals employed with any transporter identified- (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and

See above answer.

- i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.

See above answer.

9. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:

There is no information or documents presently available to Henkels & McCoy, Inc. which would enable Henkels & McCoy, Inc. to respond to this Request as related to Clearview, Folcroft, and/or Folcroft Annex sites between 1958 and 1976.

- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;

See above answer.

- b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or

See above answer.

- c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.

See above answer.

10. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:

There is no information or documents presently available to Henkels & McCoy, Inc. which would enable Henkels & McCoy, Inc. to respond to this Request as related to Clearview, Folcroft, and/or Folcroft Annex sites between 1958 and 1976.

- a. The date(s) on which such material was disposed of or treated at the Site;

See above answer.

- b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);

See above answer.

- c. The annual quantity (number of loads, gallons, drums) of such material;

See above answer.

- d. The specific location on the Site where such material was disposed of or treated, and

See above answer.

- e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.

See above answer.

11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:

Based upon information presently available to Henkels & McCoy, Inc. consisting of the knowledge and/or recollections of current and/or former employees at Henkels & McCoy, Inc., Henkels & McCoy, Inc. did not spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site.

According to preliminary information provided by EPA, Henkels & McCoy, Inc. was identified to the Folcroft site through records of Tri-County Hauling

and to the Clearview site through a copy of a Records Production Subpoena related to an action in the Court of Common Pleas for Philadelphia County, Pennsylvania (Smalls v. Korman Corp., et al).

- a. The date(s) the spill(s)/release(s) occurred;

See above answer.

- b. The composition (i.e., chemical analysis) of the materials which were spilled/released;

See above answer.

- c. The response made by you or on your behalf with respect to the spill(s)/release(s); and

See above answer.

- d. The packaging, transportation, and final disposition of the materials which were spilled/released.

See above answer.

12. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.

Based upon information presently available to Henkels & McCoy, Inc. consisting of the knowledge and/or recollections of current and/or former employees of Henkels & McCoy, Inc., the Henkels & McCoy, Inc. employee(s) in charge of a particular job would be responsible for the removal/disposal of wastes from the particular job and jobsite and there are no documents still in existence with regard to those jobs worked on by Henkels & McCoy, Inc. from 1958 through 1976. General office wastes would have been disposed of in the trash and there is no information or documents presently available to Henkels & McCoy, Inc. which would enable Henkels & McCoy, Inc. to identify the individual(s) who would have been responsible for the disposal of general office trash from 1958 through 1976.

13. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.

Other than the investigation activities conducted by and on behalf of Henkels & McCoy, Inc. in order to respond to this Request for Information, no environmental assessments or investigations were conducted by or on behalf of Henkels & McCoy, Inc. relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site.

14. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

There is no information or documents presently available to Henkels & McCoy, Inc. which would enable Henkels & McCoy, Inc. to respond to this Request.

15. Representative of your establishment(s):

- a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.

**Joseph Branco,
Assistant Director, Corporate Safety & Environment
Henkels & McCoy
985 Jolly Road
Blue Bell, PA 19422
215-283-7559**

**Christine Ann Crawford,
Vice President, General Counsel and Secretary
Henkels & McCoy
985 Jolly Road
Blue Bell, PA 19422
(215) 283-7931**

- b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.

**R. Thomas McLaughlin, Esquire
Kelly, McLaughlin & Foster, LLP
620 West Germantown Pike, Suite 350
Plymouth Meeting, PA 19462
610-941-7925**

- 16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a. Your document retention policy;

See attached Exhibit "C" which is a copy of Henkels & McCoy's Record Retention Policy.

- b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;

Based upon information presently available to Henkels & McCoy, Inc. consisting of the knowledge and/or recollections of current and/or former employees of Henkels & McCoy, Inc., records destroyed most likely were disposed of in the trash pursuant to the present Record Retention Policy of Henkels & McCoy, Inc. in or prior to 1998.

- c. A description of the type of information that would have been contained in the documents; and

Based upon information presently available to Henkels & McCoy, Inc. consisting of the knowledge and/or recollections of current and/or former employees of Henkels & McCoy, Inc., job files would have contained information and documents regarding a particular job (i.e. payables, receivables, employee time sheets, subcontractors).

- d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

Based upon information presently available to Henkels & McCoy, Inc. consisting of the knowledge and/or recollections of current and/or former employees of Henkels & McCoy, Inc., anyone associated with a particular job would/could have generated documents including the foreman, supervisor, administrator, accounts receivable department, accounts payable department, etc.

In the Court of Common Pleas of Philadelphia County

SMALLS, ET AL

V.

KORMAN CORP., ET AL

JANUARY TERM, 19 86

NO. 781

Records Reproduction Subpoena

TO: CUSTODIAN OF RECORDS OF:

HENKLES & MCCOY

JOLLY RD.

BLUE BELL, PA. 19422

YOU ARE REQUESTED TO PRODUCE ON OR BEFORE TUESDAY, OCTOBER 27, 1987
THE FOLLOWING: ANY AND ALL RECORDS OF TRANSACTION WITH THE
CLEARVIEW LANDFILL AND/OR CITYWIDE SERVICES, INC.

DO NOT PRODUCE THE RECORDS BY ANY MANNER STRICKEN BELOW BECAUSE ONE OR MORE
PARTIES HAVE OBJECTED TO THAT FORM OF PRODUCTION. YOU SHOULD PRODUCE THESE BY:

- A. MAILING THE ORIGINAL RECORDS TO RECORD COPY SERVICES,
FOUR PENN CENTER PLAZA, WHERE THE ORIGINALS WILL BE
COPIED AND RETURNED TO YOU.
- B. PRODUCING THE ORIGINAL RECORDS AT YOUR OFFICE FOR
REPRODUCTION AT RECORD COPY SERVICES, FOUR PENN
CENTER PLAZA, AFTER WHICH THE ORIGINALS WILL BE
RETURNED TO YOU.
- C. BRINGING THE ORIGINAL RECORDS TO RECORD COPY SERVICES,
FOUR PENN CENTER PLAZA, WHERE THEY WILL BE COPIED AT
THAT LOCATION AND RETURNED TO YOU. DO NOT MAIL THE
ORIGINAL RECORDS.
- D. PRODUCING THE ORIGINAL RECORDS AT YOUR OFFICE, WHERE
THE ORIGINALS WILL BE COPIED AND RETURNED TO YOU.
DO NOT MAIL THE ORIGINAL RECORDS.

REQUESTING ATTORNEY/S:

MARK CUKER, ESQUIRE
ATTORNEY FOR PLAINTIFF

INQUIRIES SHOULD BE ADDRESSED TO:

RECORD COPY SERVICES
FOUR PENN CENTER PLAZA
PHILADELPHIA, PENNSYLVANIA
215-241-5858

DATE: 10/2/87

BY:

M. Nelson